

Wetlands Bureau Decision Report

Decisions Taken
05/02/2011 to 05/08/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-02033 NH DEPT OF TRANSPORTATION
SALEM Unnamed Wetland

Requested Action:

Request time extension of existing permit in accordance with Env-Wt 502.01(a), to May 2, 2016.

Conservation Commission/Staff Comments:

Project is located in Towns of Salem, Windham, Derry, Londonderry, and Manchester.

Salem Cons. Comm. intervened and report recommends approval with conditions (rec. 10/25/02)

APPROVE TIME EXTENSION:

Dredge and /or fill approximately 76 acres of mostly palustrine and riverine wetlands to improve the capacity, efficiency and safety along 19.8 miles of Interstate 93. The existing limited access, two lane highway will be widened to create a limited access four lane highway starting at the Massachusetts/New Hampshire state line in Salem and ending just north of the I-93/I-293 interchange in Manchester. The project includes improvements to five existing interchanges and cross roads, construction of three new Park and Ride facilities at Exit 2, 3 and 5, expanded bus service at Exit 4, and space to accommodate a future rail corridor between the Massachusetts/New Hampshire state line northerly to the Exit 5 interchange.

Compensation for wetland impacts includes: construction of approximately 31 acres of wetlands at five sites; preservation of approximately 1,000 acres of upland and wetland habitat; construction of detention basins and extended treatment swales; a \$3 million contribution to the NHDES Drinking Water Supply Land Grant Program or to a comparable program for funding aquatic resource protection in the Massabesic Lake watershed; and establishment of a \$3.5 million fund for the Community Technical Assistance Program to help area communities plan for growth as a result of the project.

NHDOT project #10418-C.

With Conditions:

1. The wetland impacts associated with this approval are based on the Amended New Hampshire Department of Environmental Services Wetlands Bureau (hereinafter "NHDES")/Army Corps of Engineers permit application received on August 12, 2004 (hereinafter "the Application").
2. During final design and construction work, wetland impacts that exceed 76 acres as represented in the Application and materials contained in NHDES file, shall require submittal of a permit amendment request to be reviewed and approved by NHDES after consultation with the appropriate local Conservation Commission(s).
3. During final design of the roadway construction plans, a joint review shall be conducted by state and federal resource agencies regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional jurisdictional impacts for construction to confirm need, location, and necessity for a permit amendment.
4. Final design plans for roadway construction shall be submitted to NHDES and appropriate local Conservation Commission(s) for each construction contract with a summary of wetland impacts for the associated contract work. Review and comments from NHDES and Conservation Commissions shall be considered by the NH Department of Transportation (hereinafter "NHDOT") and incorporated into the design where appropriate.
5. During final design, efforts to avoid or minimize wetland and surface water impacts shall be maximized by constructing steepened side slopes, retaining walls, and accommodations for wildlife passage.
6. NHDOT will study the feasibility of reconstructing existing culverts at Policy Brook and Porcupine Brook in Salem, Beaver Brook in Derry, and Cohas Brook in Manchester, to address wildlife passage issues. These measures will be fully evaluated as part of the final design and incorporated into plans where practicable.
7. This permit shall not be effective until it has been recorded with the county Registry of Deeds offices by NHDOT. A copy of the registered permit shall be submitted to NHDES prior to construction.
8. This permit is contingent on approval by the NHDES Dam Safety Program.

9. NHDOT will comply with the provisions of the Section 401 Water Quality certification upon its issuance and noncompliance shall be considered a violation of the conditions of this permit.
10. A water quality monitoring program will be developed and implemented in accordance with requirements established by NHDES, Watershed Management Bureau.
11. This permit is contingent on NHDOT providing funding for establishment of an additional Environmentalist IV position within DES to provide for construction monitoring, minor modifications during final design and minor permitting changes due to unanticipated obstacles and conflicts during construction. This position shall be funded continuously through the completion of the project to ensure that all permit conditions are satisfied, including monitoring of all mitigation areas. The details for funding this position will be fully detailed in a memorandum of agreement to be negotiated and executed between NHDOT and NHDES no later than September 1, 2006.
12. Measures to mitigate impacts to the perennial wildflower wild lupine listed by the NH Natural Heritage Bureau (hereinafter "NHB") as a state threatened species will be addressed by completing a written mitigation plan specific to the population in the project area in consultation with NHB. The plan shall focus on efforts to relocate the individual plants by means of re-seeding or transplantation.
13. Potential habitat areas for the eastern hognose snake shall be determined using GIS-level analysis prior to construction to determine if the species will be impacted by the project in coordination with the NH Fish and Game Department (hereinafter "NHF&G").
14. Dredged material shall be placed out of NHDES jurisdiction unless otherwise specified.
15. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the NHDES for review and approval. Those plans shall detail the timing and method of stream flow diversion during construction, and the temporary siltation, erosion and turbidity control measures to be implemented.
16. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the NHDES or NHDOT Offices in Concord, N.H. to review the conditions of this permit, the NHDES Water Quality Certificate, and any other environmental commitments stated in other approved documents such as the Interstate 93 Improvements Salem to Manchester Final Environmental Impact Statement (hereinafter "FEIS"). It shall be the responsibility of NHDOT to schedule the pre-construction meeting, and the meeting shall be attended by NHDOT, the contract administrator(s), wetlands scientist(s), wildlife professional(s), and the contractor(s) responsible for performing the work.
17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
18. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction and until all areas are fully stabilized.
19. Appropriate storm water management and erosion control Best Management Practices (BMPs) shall be implemented to ensure turbidity is minimized and water quality standards are not violated. If the BMPs conflict with the terms or conditions of this permit, the terms and conditions of this permit shall control.
20. Construction equipment shall not be located within surface waters.
21. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
22. Within three days of the last activity in an area adjacent to a wetland resource, all exposed soil areas, where construction activities are complete or have been temporarily suspended, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 2:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters and, wherever possible, with a minimum of 20 feet of undisturbed vegetated buffer.
26. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
27. NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as soon after construction as possible so as to minimize erosion and restore wildlife habitat.
28. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.
29. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance, invasive species such as purple loosestrife or Phragmites.

30. NHDOT shall provide a yearly progress report to NHDES relative to the efforts and progress achieved in studying transit issues in coordination with the Commonwealth of Massachusetts.
31. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
32. This permit is contingent on the execution of the mitigation components specified in the Wetland Mitigation Report dated July 2004 and received by NHDES on August 12, 2004.
33. Compensation for wetland and surface water impacts includes the advance mitigation project as approved by NHDES (permit #2000-00455) at the Pelham Road site in Salem for the creation of 4 acres of wetlands and the preservation of an additional 21 acres.
34. Remedial measures that remain uncompleted for the Pelham Road advance mitigation site shall be incorporated into a construction contract for this project. The NHDOT shall submit a copy of the contract to the NHDES Wetlands Bureau specifying such remedial measures.
35. The mitigation proposal as detailed in amended application materials dated July, 2004 and materials submitted on August 12, 2004 shall be followed for compensating impacts associated with the proposed project.
36. Modifications to the mitigation proposal may be required if changes to the project result in an increase in wetland impacts beyond that specified in this permit.
37. The proposed mitigation package includes providing \$3 million to the NHDES Drinking Water Supply Land Grant Program or to a comparable program to be approved by NHDES that can utilize the funds for aquatic resource protection in the area of Massabesic Lake.
38. NHDOT shall provide specific, detailed parcel information to NHDES, and all other resource agencies, for review and approval for disbursement of the \$3 million for funding aquatic resource protection within three years of the start of construction.
39. NHDOT shall provide annual progress reports relative to the status and disbursement of the \$3.5 million fund for the Community Technical Assistance Program to help area communities plan for growth as a result of the project. The following communities have been identified for potential assistance: Concord, Bow, Pembroke, Dunbarton, Allenstown, Deerfield, Goffstown, Hooksett, Candia, Raymond, Bedford, Manchester, Auburn, Chester, Fremont, Litchfield, Londonderry, Derry, Hampstead, Sandown, Danville, Hudson, Windham, Salem, Atkinson, and Pelham.
40. The schedule for the construction of the South Road (site 14 and 15) creation site shall coincide with the highway-widening contract so that salvaged wetland soils and other materials can be used at the South Road site.
41. The schedule for the construction of the three additional wetland creation areas shall coincide with the highway-widening contract for the particular area unless otherwise authorized by NHDES.
42. NHDOT and NHDES shall form an Interdisciplinary Oversight Team to provide technical assistance on the construction and completion of the wetland creation sites.
43. The wetland creation areas shall be properly constructed, monitored, and managed in accordance with final mitigation plans approved by NHDES.
44. Wetland creation and flood storage replacement areas shall be properly constructed, landscaped, and monitored. Remedial actions may be necessary to create functioning wetland and floodplain areas similar to those destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
45. NHDOT shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. NHDES shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
46. The NHDOT shall notify, in writing, NHDES and the local conservation commission(s) in the municipality(ies) where the construction is to take place of their intention to commence construction no less than 5 business days prior to construction.
47. A post-construction report, including a narrative and photographs, documenting the status of the completed mitigation projects shall be submitted to NHDES within 60 days of the completion of construction.
48. NHDOT or the designated qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second, third and fifth years following the completion of each mitigation site.
49. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to NHDES.
50. NHDOT shall delineate the wetlands and flood storage volume within the mitigation sites, document the delineation with US Army Corps of Engineers' data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

51. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
52. NHDOT shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures approved by NHDES if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
53. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing the parcels. The reports shall contain photographic documentation of the areas, and shall be submitted to NHDES to serve as a baseline for future monitoring of the areas.
54. NHDOT shall provide information for review and approval by NHDES relative to the mechanisms to be used for preservation of the parcels in perpetuity. The use of a conservation easement for long-term protection of the properties is preferred and should be pursued where possible.
55. NHDOT shall provide NHDES a status report on the properties to be protected as part of the second and third year monitoring reports to insure compliance with the preservation requirements. If the preservation of the properties has not been completed after three years, yearly reports shall be submitted following the third year as to the status of protection.
56. Conservation easements that are placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement. The conservation easements shall be executed and recorded within five years of the permit issuance.
57. Conservation easements that are placed on the preservation areas relative to the \$3 million contribution to the NHDES Drinking Water Supply Land Grant Program shall not preclude use of the property for public water supply purposes.
58. The plan depicting the conservation easement along with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each property. A copy of the recording from the County Registry of Deeds Office shall be submitted to NHDES.
59. The boundaries of the protected properties shall be surveyed by a licensed surveyor, and marked by permanent markers/signs for purposes of identification and monitoring.
60. NHDES shall be notified of the placement of the permanent markers/signs to coordinate on-site review of their location.
61. There shall be no removal of the existing vegetative undergrowth within the preservation areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
62. NHDES shall be notified in writing of the transfer of any preservation lands and mitigation sites to another organization that has been retained for management purposes and the notification shall state the name of the entity responsible for continuing long-term management and/or stewardship of the lands.
63. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of NHDES, including remediation and fines.

With Findings:

The Department reaffirms findings 1-34 of the original approval and makes the following additional findings:

35. This project qualifies for a time extension under Rule Env-Wt 501.02(a).
36. This action extends the permit to 10-years from the date of the original approval this period is allowed under current Rule Env-Wt 502.01.
37. The Department of Transportation has provided updated wetland impacts with each proposed contract.
38. The overall wetland impacts associated with the active or completed contracts are approximately the same as the permitted wetland impacts.

Current rules do not allow for further extension of this permit.

2010-00197 CIRCLE DRIVE ASSOCIATES LLC
BEDFORD Unnamed Wetland Unnamed Stream

Requested Action:

Proposal to dredge and fill 13,004 sq. ft. of forested wetlands and perennial stream for access and utilities for a future commercial development.

Inspection Date: 10/09/2009 by William A Thomas, Cws

APPROVE PERMIT:

Dredge and fill 8,671 sq. ft. of forested wetlands and 561 linear ft. of perennial stream bed and banks for one access crossing to a future development lot. Work consists of three impact areas within and along Sebbins Brook. Impact #1 consists of temporary stream crossing constructed of a series of temporary 12 in. diameter culverts, associated geo-textile fabric and clean stone fill; Impact #2 consists of two bank stabilization areas constructed with coir logs and plantings; and Impact #3 consists of a perennial stream crossing with an 18 ft. span x 113 ft. run x 6 ft. rise (from the top of the new stream bed) pre-cast concrete conspan bridge with in-stream and bank simulation, associated headwalls, grading and filling. Compensatory mitigation for stream, bank and wetlands impact consists of a one time payment of \$126,666.51 dollars into the Aquatic Resource Mitigation (ARM) Fund for the Merrimack River Watershed.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants Inc., plan sheets 1, 3, 4, 5, and 6 of 6 revision date of September 24, 2010 and sheet 3 of 6 dated January 20, 2010, as received by the NH Department of Environmental Services (DES) on September 16, 2010 and narratives received by DES on September 23, 2010.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, depict all temporary impacts and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. The final surface of the stream channel bed shall be restored at natural grade using natural round stone or existing (or similar) streambed materials and shall not include angular rip-rap.
9. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Compensatory Mitigation:

20. This approval is contingent on receipt by DES of a one time payment of \$126,666.51 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
21. This permit is contingent on review, approval and execution of the proposed riparian buffer restrictions and plan by DES and the United States Environmental Protection Agency ("USEPA").
22. The riparian buffer restrictions shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions.
23. The plan noting the riparian buffer restrictions with a copy of the final language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
24. The riparian buffer area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
25. The Wetlands Bureau shall be notified of the placement of the monuments to coordinate on-site review of their location prior to construction.
26. There shall be no removal of the existing vegetative undergrowth within the riparian buffer area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
27. Activities in contravention of the conservation restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The application was submitted before Administrative Rules Chapter Env-Wt 900 ("Stream Crossing Rules") became effective.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed crossing is being requested by the applicant now so the work can coincide with ongoing work on US Route 3/River Road.
7. The bridge structure has been designed to pass a 100-year storm event and plans are stamped by a NH licensed professional engineer.
8. The new structure will include a natural stream bed and in-stream habitat.
9. The NH Fish and Game Department ("NHFGD") had comments regarding the identified State threatened, endangered ("TE") and special concern species ("SC") identified near the site as well as native brook trout identified in the stream.
10. The NHFGD has indicated that they do not expect impacts to the TE or SC species due to unsuitable habitat and due to aquatic passage and suitable habitat for brook trout being maintained through the proposed stream crossing design.
11. The department received comments from the United States Environmental Protection Agency ("EPA") indicating the project is eligible for the New Hampshire State Programmatic General Permit ("SPGP").
12. DES has not received any abutter or public comments in objection to the proposed project.
13. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
14. The payment calculated for the proposed wetland/stream loss equals \$126,666.52 dollars. 15. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

16. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack watershed per RSA 482-A:29.
17. This approval is conditioned that any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
18. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.1.

2010-03011 PSNH
MERRIMACK Unnamed Wetland

Requested Action:

Agent for applicant requests change to Condition #7 relative to cutting restrictions and migratory bird issues.

Conservation Commission/Staff Comments:

ARM Fund payment of \$126,666,51 to be received by 5/30/2011.

APPROVE AMENDMENT:

Amend condition #7 for PSNH to conduct utility upgrades to an existing transmission line and installation of power poles within the existing right-of-way to cross the Merrimack River in Litchfield to connect two new electrical power substations in the town of Merrimack. The impacts per town are as follows:

Merrimack: Fill 36,160 sq.ft. of palustrine scrub-shrub wetlands and forested wetlands for the construction of the Eagle Transmission and Thornton Distribution substations.

Litchfield: Fill 2 sq.ft. of palustrine scrub-shrub and emergent wetlands for pole installation, 1,805 sq.ft. of temporary impact for access, and 7,087 sq.ft. of impact from timber harvesting for a proposed transmission line along the south side of the existing ROW.

Compensatory mitigation is in the form of a one-time payment of \$164,305.01 for the purchase of four parcels of land for a total of 27 acres in the Merrimack Wellhead Protection Area.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by AI Engineering, Inc., dated October 22, 2010, as received by the DES Wetlands Bureau on October 29, 2010, and plans by GZA Geo Environmental Inc., dated February 2011, as received by the DES Wetlands Bureau on February 16, 2011, and plans by Public Service of New Hampshire dated January 07, 2010, as received by the DES Wetlands Bureau on February 16, 2011.
2. Easements shall be obtained and recorded at the registry of deeds prior to the commencement of construction.
3. Easements shall be obtained from Boston & Maine Railroad for the at-grade crossing for the access road.
4. All activity shall be in accordance with the current Comprehensive Shoreland Protection Act.
5. This approval is contingent on approval by the DES Alteration of Terrain Program.
6. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Tree cutting shall be conducted after mid June to avoid the first round of migratory bird breeding. PSNH shall inspect the habitat for nests prior to removal. Trees that are supporting nesting birds will be avoided until the birds have fledged.
8. Site clearing and construction activities shall not take place prior to June 1 to minimize impact to potential hognose snakes in the area.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
11. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

14. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

15. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Silt fencing must be removed once the area is stabilized.

19. All temporary impacts to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.

20. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

22. Faulty equipment shall be repaired prior to entering wetlands.

23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

24. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

25. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

26. The qualified professional shall submit a final monitoring report of the project noting the status of the erosion control measures, buffer plantings, restoration areas and color photographs of work areas and areas recently restored.

27. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

28. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.

29. Mulch within the restoration areas shall be straw or seedless hay.

30. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.

31. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

32. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

33. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

34. The proposed landscape buffer at the north end of the property shall be planted and monitored for mortality within the first three growing seasons after planted and shall be replanted if necessary.

35. A new grassland area, approximately 1500 square feet, to offset the impact of the proposed buffer shall be planted and monitored for mortality within the first three growing seasons after planted and shall be replanted if necessary.

36. This approval is contingent on a one time payment of \$164,305.01 for the purchase of four parcels of land noted in Merrimack tax maps as parcels 3C/043, 3C/043-1, 3C/043-2 and 3C/044-1. The payment shall be received within 120 days of the date of the approval letter or the application will be denied.

With Findings:

1. Tree cutting did not get completed prior to April 15 so the agent for the applicant contacted the U.S. Fish and Wildlife Service (hereinafter "USFWS") for recommendations so cutting could be completed.
2. USFWS considered the request and agrees with the modifications to this condition.

2011-00021

PSNH

JAFFREY Unnamed Stream Unnamed Wetlands

Requested Action:

Temporarily impact \pm 123,211 square feet of palustrine emergent and scrub-shrub wetlands and 160 square feet of perennial stream for temporary swamp mat installation for construction access for a proposed second line along 15 miles of an existing approximate 100 foot wide utility right-of-way in Troy, Fitzwilliam and Jaffrey. Access also includes five (5) stream swamp mat crossings with no impacts. Utility structure construction will permanently impact \pm 90 square feet of palustrine emergent and scrub-shrub wetlands.

APPROVE PERMIT:

Temporarily impact \pm 123,211 square feet of palustrine emergent and scrub-shrub wetlands and 160 square feet of perennial stream for temporary swamp mat installation for construction access for a proposed second line along 15 miles of an existing approximate 100 foot wide utility right-of-way in Troy, Fitzwilliam and Jaffrey. Access also includes five (5) stream swamp mat crossings with no impacts. Utility structure construction will permanently impact \pm 90 square feet of palustrine emergent and scrub-shrub wetlands.

With Conditions:

1. All work shall be in accordance with plans by Public Service Co., of New Hampshire Engineering Division, dated August 01, 20008, and revised through November 28, 2010, as received by the DES Wetlands Bureau on December 30, 2010; and revised sheets R-10205-8 and R10205-9, dated August 01, 2008, and revised through March 30, 2011, as received by the DES Wetlands Bureau on April 04, 2011.
2. All stream crossing work shall be in accordance with plans by Nobis Engineering dated March 2011, as received by the DES Wetlands Bureau on April 04, 2011.
3. All work in the vicinity of the Osprey nest (structure no. 141 on the 382 line) shall be in accordance with Public Services of New Hampshire narrative dated March 04, 2011 and plans dated March 01, 2011, and March 07, 2011, as received by the DES Wetlands Bureau on April 04, 2011.
4. No work shall occur within $\frac{1}{2}$ mile of the Osprey nest site from April through September, or until after the osprey leave for the season.
5. A minimum two week advance notification shall be given to the Audubon Society of New Hampshire, the Nongame and Endangered Wildlife Program of the NH Fish and Game Department and the DES Wetlands Bureau is required for any work within $\frac{1}{2}$ mile of or involving the Osprey nest pole.
6. All raptor stick nest structures (vacant or occupied) shall be photographed and location reported to Kim Tuttle, NHFG.
7. Personnel working on the ground during the growing season should be made aware of the potential to encounter the state endangered Blanding's turtle or wood turtle in the work area and should review the species profiles from the NH Wildlife Action Plan (available on the NHFG website) prior to project commencement.
8. If any Blanding's and wood turtle are encountered, photo documentation and a report shall be submitted to the NHFG Reptile and Amphibian Reporting Program.
9. Easements shall be obtained and recorded at the registry of deeds prior to the commencement of construction.
10. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
11. The qualified professional shall submit two stream crossing monitoring reports. The first report shall document the completed installation of all stream crossings and the second report document the removal of all stream crossings structures.
12. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
13. All activity shall be in accordance with the current Comprehensive Shoreland Protection Act.
14. There shall be no excavation or operation of construction equipment in flowing water.

15. There shall be no permanent impacts to the bed or banks of streams.
16. All stream crossings shall be conducted in a manner so as to minimize turbidity.
17. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
18. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
22. Silt fence(s) must be removed once the area is stabilized.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
25. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
26. All temporary impacts to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
27. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands
28. All work shall be in compliance with the "Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire, Interim" (January 2010).
29. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
30. Faulty equipment shall be repaired prior to entering wetlands.
31. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
32. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.
33. Prior to installation, new wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
34. Wetlands shall be restored to their pre-construction conditions, including restored original grades, stabilized, and replanted with native vegetation where necessary, within 5 days of backfill.
35. Mulch within the restoration areas shall be straw or seedless hay.
36. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
37. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
38. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
39. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
40. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
41. Recreated stream channel beds must maintain the natural stream bed elevation.

42. Stream banks shall be restored to their original grades and to a stable condition within 5 days of completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. Separate identical applications were filed in each of the three towns in which wetland/surface water impacts are proposed. Each application was assigned a file number when received by the DES Wetlands Bureau; 2011-00021 (Jaffrey), 2011-00022 (Fitzwilliam), and 2011-00023 (Troy).
3. Proposed wetland and surface water impacts in each of the three towns are considered a single project.
4. This permit serves as approval for DES Wetlands Bureau File No.'s 2011-00021, 2011-00022 and 2011-00023.
5. Contrary to the application, construction is not limited to frozen conditions. Construction will occur May through November.
6. The applicant has minimized wetland impacts to the greatest extent practicable by proposing to access the structures via established street crossings and upland access routes to minimize wetland and stream crossings. Most required stream crossings will span the bed and banks of the stream.
7. The use of swamp mats will minimize the potential adverse effects during construction, such as soil rutting and compaction, and vegetation root disturbance. Although the mats will temporarily "bend over" or "mat down" the existing vegetation, soil compaction and the effect on existing vegetation will be minimal since the mats will protect the root and seed stock, thereby allowing the wetlands to naturally revegetate during the following growing season.
8. Seven (7) intermittent and perennial streams will be crossed. Swamp mat bridges will completely span five (5) stream crossings with no impacts the bed or banks of the streams. Two (2) perennial stream crossings (16-ft wide channels at Mile 5 and 9) require a 4-ft. x 20-ft. beam to be temporarily placed in the stream bed for swamp mat bridge support.
9. The Natural Heritage Bureau review documented Osprey and Blanding's turtle in the vicinity of the project occurring near the Jaffrey substation.
10. PSNH has coordinated with the NH Fish and Game Department and Audubon Society for completion of a plan, on which this permit is conditioned, to relocate the existing Osprey nest (structure no. 141 on the 382 line).
11. This permit is conditioned that personnel working on the ground are aware of the species profiles for the Blanding's turtle and wood turtle are aware of the potential the turtles may be encountered and that all sightings should be reported to NHFG.
12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
13. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
14. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2010-03441 DELTA & DELTA REALTY TRUST
SEABROOK Unnamed Wetland

Requested Action:

Dredge and fill 7,750 square feet of wetlands for the redevelopment of an existing shopping center.

APPROVE PERMIT:

Dredge and fill 7,750 square feet of wetlands for the redevelopment of an existing shopping center.

With Conditions:

1. All work shall be in accordance with plans by Hayner Swanson, Inc entitled Southgate Plaza (Sheets 1-3, 14, 22-24 of 30) as received by the Department on December 27, 2010 and (Sheets 8 and 10 of 31) revised 03/30/11 as received by the department on May 04, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minor project per 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will provide treatment and control of stormwater runoff from the site.
6. NH Fish & Game recommended that there be no straight granite curbing in conjunction with catch basins on wetland side of the site and no catch basins in wetlands.
7. In a letter dated February 23, 2011 the U.S. Army Corps of Engineers stated that the U.S. Environmental Protection Agency has expressed concerns about the project: low-impact development options may need to be considered; water treatment should not be done in wetlands; and curbing should be sloped Cape Cod style.
8. The plans were revised to address these concerns. Revisions included the relocation of catch basins away from the wetlands, and the use of Cape Cod style curbing instead of straight granite curbing.

MINIMUM IMPACT PROJECT

2011-00715 ADAM, ROBERT
TAMWORTH Unnamed Stream

Requested Action:

Dredge and fill 50 square feet of the bank of the Swift River for the replacement of a culvert. The riverbank will be restored to its original condition.

APPROVE PERMIT:

Dredge and fill 50 square feet of the bank of the Swift River for the replacement of a culvert. The riverbank will be restored to its original condition.

With Conditions:

1. All work shall be done in accordance with plans by Paul L. King, LLS, PE entitled: Site Plan of Land In Tamworth, NH: Property of Robert Adams & Town of Tamworth dated Jan 2010 as received by the Department on April 07, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
5. No equipment shall enter the water.
6. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
7. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
10. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
16. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The owner of the property identified as Tamworth tax map 202 lot 3 proved writtend permission granting the Town of Tamworth permission to submit the dredge and fill application on their behalf.
6. No comments were submitted from the NH Natural Heritage Bureau, the NH Fish and Game Department, or the Conservation Commission.

FORESTRY NOTIFICATION

2011-00900 BLUE, PETER/JOYCE
EATON Unnamed Stream

COMPLETE NOTIFICATION:
Eaton Tax Map R3, Lot# 38

2011-00915 CICCARONE, GERALD
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Brookfield Tax Map 18, Lot# 21

2011-00916 FLANAGAN, SANDRA
SHELBURNE Unnamed Stream

COMPLETE NOTIFICATION:
Shelburne Tax Map 9, Lot# 7

2011-00925 CAMPION, JAMES
LEBANON Unnamed Stream

COMPLETE NOTIFICATION:
Lebanon Tax Map 26, Lot# 17

2011-00930 DUBLIN CHRISTIAN ACADEMY
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:
Dublin Tax Map 3, Lot# 27, 28, 59, 60

GOLD DREDGE

2011-00218 LEVESQUE, JAMES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00850 GRAHAM, MONTRIVILLE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00917 HAMMOND, JOSHUA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00918 CASSADY, DONALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00919 CASSADY, TRACIE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00947 SAWYER, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00966 ROY, CHAD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00968 ROY, KRISTINA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2011-00932 OWENS, JOHN
CANAAN Canaan Street Lake

COMPLETE NOTIFICATION:
Canaan Tax Map 9, Lot# 83 Canaan Street Lake

2011-00951 CHIASSON JR, GERARDS
JAFFREY Contoocook Lake

COMPLETE NOTIFICATION:
Jaffrey Tax Map 243, Lot# 7 Contoocook Lake

ROADWAY MAINTENANCE NOTIF

2011-00954 NH DEPT OF TRANSPORTATION
STRATFORD Unnamed Wetland

COMPLETE NOTIFICATION:
Replace two culvert and clean ditches

2011-00955 NH DEPT OF TRANSPORTATION
COLUMBIA Unnamed Wetland

COMPLETE NOTIFICATION:
Replace a culvert same size & location, stone outlet

2011-00956 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:
8 culvert replacements

2011-00957 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Wetland

COMPLETE NOTIFICATION:
500 feet of ditch maintenance

2011-00958 NH DEPT OF TRANSPORTATION
LANCASTER Unnamed Wetland

COMPLETE NOTIFICATION:
Replacement of 3 culverts, same size, same location

2011-00959 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 18" x 50' CMP with HDPE and clean ditchlines

2011-00960 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 15" CMP pipe with an 18" HDPE, extend 10' at the outlet and clean ditchlines

2011-00971 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Wetland

COMPLETE NOTIFICATION:

Replace CMP pipe with a HDPE, skew culvert and clean ditch

2011-00972 NH DEPT OF TRANSPORTATION
STARK Unnamed Wetland

COMPLETE NOTIFICATION:

Replace in kind an 18" x 80' culvert and relay 20 feet of 24" culvert

2011-00973 NH DEPT OF TRANSPORTATION
NEW HAMPTON Unnamed Wetland

COMPLETE NOTIFICATION:

Replace a 15" CMP culvert in kind and extend outlet by 10 feet

2011-00974 NH DEPT OF TRANSPORTATION
LANCASTER Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 36" x 45' CMP in kind

2011-00976 LEINO, SHANNA
HARRISVILLE Unnamed Stream

COMPLETE NOTIFICATION:

Replace an existing failed driveway culvert

2011-00988 NH DEPT OF TRANSPORTATION
BETHLEHEM Unnamed Wetland

COMPLETE NOTIFICATION:

Two culvert replacements, ditch maintenance and embankment repair.

2011-00989 NH DEPT OF TRANSPORTATION
COLEBROOK Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 3ft x 48ft culvert, extend 10ft at each end.

PERMIT BY NOTIFICATION

2011-00051 PLOURDE, DONALD
WINDHAM Cobbetts Pond

Requested Action:

Repair existing retaining wall "in kind" during draw down with no change in height, length, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair existing retaining wall "in kind" during draw down with no change in height, length, location or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining wall "in kind" during draw down with no change in height, length, location or configuration.

2011-00822 NH DEPT OF TRANSPORTATION
MOULTONBOROUGH Shannon Brook

Requested Action:

Install staging to provide a work platform and catch debris during bridge deck repairs temporarily impacting 1,843 sq. ft. of stream.

Conservation Commission/Staff Comments:

Cons. Comm. signed form on 4/26/11 and attached a note of concern of sediment or pollution entering the brook and reaching the beach and precautions should be taken.

COMPLETE NOTIFICATION:

Install staging to provide a work platform and catch debris during bridge deck repairs temporarily impacting 1,843 sq. ft. of stream.
NHDOT project #99405Z.

2011-00892 CROSS, GEORGETTE
PELHAM Little Island Pond

Requested Action:

Repair an existing docking structure in kind.

PBN IS COMPLETE:

Repair an existing docking structure in kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-00901 CONNELLY REALTY TRUST, JUDITH
ALTON BAY Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-00938 26 TURTLE ROCK ROAD LLC
WINDHAM Cobbetts Pond

Requested Action:

Repair or replacement of existing retaining wall performed "in the dry" during drawdown of waters, and resulting in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair or replacement of existing retaining wall performed "in the dry" during drawdown of waters, and resulting in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining wall performed "in the dry" during drawdown of waters, and resulting in no change in height, length, location, or configuration.

2011-00944 MONTEVERDI, CHARLES & LORETTA
DEERFIELD Pleasant Lake

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

2011-00731 MADDEN, DAVE/LISA
ALTON BAY Lake Winnepesaukee

Requested Action:

Impact 10,975 sq ft in order to construct a new residence with attached garage, porch, deck and septic system.

APPROVE PERMIT:

Impact 10,975 sq ft in order to construct a new residence with attached garage, porch, deck and septic system.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated February 18, 2011 and received by the NH Department of Environmental Services (DES) on April 11, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 17.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 3,290 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00747 COURTNEY, LAWRENCE/MARGARET
NORTHWOOD Northwood Lake**

Requested Action:

Impact approximately 920 sq ft for the purpose of reconstructing the foundation of an existing nonconforming primary structure.

APPROVE PERMIT:

Impact approximately 920 sq ft for the purpose of reconstructing the foundation of an existing nonconforming primary structure.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying Inc dated April 11, 2011 and received by the NH Department of Environmental Services (DES) on April 12, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau or Shoreland Program will require a new application and further permitting by the Bureau. Specifically, the proposed retaining wall repairs and construction will require a separate permit from the DES Wetlands Bureau.
3. No more than 21.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All 350 sq ft of the Natural Woodland Buffer beyond the primary building setback currently existing in an unaltered state must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00785 GARDNER-TAYLOR, CAROL
FREEDOM Ossipee Lake**

Requested Action:

Impact 17 sq ft in order to enlarge existing cottage.

APPROVE PERMIT:

Impact 17 sq ft in order to enlarge existing cottage.

With Conditions:

1. All work shall be in accordance with plans by Chuck Books dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 15, 2011.
2. No more than 11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00828 DAROIS, ERIC
MIDDLETON Sunset Lake

Requested Action:

Impact 80 sq ft in order to construct two concrete block retaining walls and backfill.

APPROVE PERMIT:

Impact 80 sq ft in order to construct two concrete block retaining walls and backfill.

With Conditions:

1. All work shall be in accordance with plans by Eric Darois dated April 14, 2011 and received by the NH Department of Environmental Services (DES) on April 20, 2011.
2. No more than 30% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2011-00795 SHAWMUT RT
WINDHAM Cobbett's Pond

Requested Action:

Impact 400 sq ft for the purpose of expanding the footprint of an existing, nonconforming primary structure and installing stormwater controls and a new septic system.

APPROVE PERMIT:

Impact 400 sq ft for the purpose of expanding the footprint of an existing, nonconforming primary structure and installing stormwater controls and a new septic system.

WAIVER APPROVED. RSA 483-B:9, II,(b) is waived to allow the expansion of a nonconforming primary structure that

encroaches on the 50 foot primary structure setback.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc., dated March 21, 2011 and received by the Department of Environmental Services ("DES") on April 11, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 66.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. There shall be no impacts within wetlands, surface waters, or their banks prior to the receipt of a Wetland Permit under RSA 482-A.
5. No natural ground covers within the waterfront buffer shall be impacted except that necessary for installing a septic tank and drywell and for construction of a single 6 foot wide pathway as depicted on plans received by DES on July 30, 2010.
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of a drywell that will be capable of infiltrating stormwater from the primary structure.
4. The applicant has proposed to plant additional native vegetation within the waterfront buffer.
5. The applicant has proposed to install stormwater controls and enhance the waterfront buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2011-00965 PSNH
KEENE Unnamed Wetland

Conservation Commission/Staff Comments:
see file 11-15 for fee amount

COMPLETE NOTIFICATION:
Replace cross arms on the L-163 line